

405 KAR 5:078. Contemporaneous reclamation.

RELATES TO: KRS 350.010(2), 350.240, 350.300

STATUTORY AUTHORITY: KRS 350.028, 350.029, 350.240, 350.300

NECESSITY, FUNCTION, AND CONFORMITY: KRS 350.028 authorizes the Environmental and Public Protection Cabinet to promulgate administrative regulations pertaining to noncoal mineral operations to minimize their adverse effects on the citizens and the environment of the commonwealth. KRS 350.029 authorizes the cabinet to promulgate reasonable administrative regulations to establish effective programs for the control of surface soil disturbance in connection with mining as defined by the Interstate Mining Compact. KRS 350.240 authorizes the cabinet to promulgate reasonable administrative regulations for the reclamation of land disturbed or removed in the mining of clay. KRS 350.300 authorizes the cabinet to formulate and establish an effective program and standards for the conservation and use of mined land. This administrative regulation establishes performance standards for timing of reclamation.

Section 1. Contemporaneous Reclamation. (1) On lands where the method of mineral operation produces a bench or where the surface mining is done on the contour, grading shall be kept current with the removal of the mineral, which shall mean within ninety (90) days following the mineral removal. Where special conditions warrant, these requirements may be modified by the cabinet.

(2) On lands where the method of mineral operation is of the quarry type that produces a deep pit, the final reclamation of the site shall follow completion of mining within 180 days.

(3) On lands where the method of mineral operation is of the underground type, the final reclamation of the site shall follow completion of mining within 180 days.

Section 2. Incorporation by Reference. (1) "Request for Noncoal Reclamation Deferral, NCR-15", March, 1990, is incorporated by reference.

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